

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1046 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No.
2. To be referred to the Reporter or not? No. :
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? No.
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? : NO
No.

HIRALAXMI LAXMIKANT GANATRA

Versus

HARIJAN HIRJI UMRA

Appearance:

MR JAYANT PATEL for Petitioners
MR AR THACKER for Respondents No. 1 to 8.
MRS VK PAREKH for respondent no. 9.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 02/07/1999

ORAL JUDGEMENT

Rule. Learned counsel Mr. A.R. Thakkar
appearing on behalf of the respondent no.1 to 8 and Mrs.
V.K. Parekh appearing on behalf of the respondent no. 9
waive service of rule.

2. Heard learned counsel for the parties.

3. This revision application has been filed against the order dated 16-6-99 of the Court below refusing the prayer of the plaintiff - petitioner for framing the issues on the points no. 1, 2 and 3 as mentioned in the application exh. 40, moved therefor.

4. Learned counsel Mr. Thakkar for the respondents no. 1 to 8 and Mrs. Parekh learned counsel for the respondent no. 9 give concession and agree that the impugned order be set aside and the matter be remanded back to the lower court to frame proper issues on the points mentioned in the application exh. 40 moved therefor in order to avoid delay in proceedings of the suit and the lower court be directed to frame the issues for which the application exh. 40 Annexure-A was moved.

5. Accordingly, the impugned order dated 16-6-1999 of the Court below passed on application exh. 40 is set aside and case is remanded back to the trial court and the Court below is directed to frame the issues as prayed for in the application exh. 40. The Trial Court will also proceed further in the suit in accordance with law.

6. Rule is made absolute to the aforesaid extent, with no order as to costs.

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/JVSatwara/